

Before the

Commission on Common Ownership Communities
for Montgomery County, Maryland

In the Matter of x
Caryl Austrian, President x
Board of Directors x
Inverness Forest Association, Inc x
Complainant x

x

Mark and Sarah Avissar	x
Owners of	x
7901 Inverness Ridge Road	x
Potomac, Maryland 20854	x
Respondents	x

On April 13, 1992, Jeffrey Van Grack, attorney for the Board of Directors, Governing Body of the Inverness Forest Homeowners Association, Inc., hereinafter the complainant, filed a formal dispute with the Office of Common Ownership Communities. The Complainant Board alleged that Sarah and Mark Avissar, owners of 7901 Inverness Ridge Road, Potomac, Maryland, hereinafter the Respondents, failed to remove a gutter and downspout, in violation of Article V of the Association Covenants.

By correspondence dated April 16, 1992, May 8, 1992, and May 20, 1992, and by a telephone conversation on May 15, 1992, the Office requested that the Respondents forward a written response to the issues raised in the complaint. To date, the Respondents have failed to respond to the Office and have failed to comply with the Complainant Board's notices of violation.

On December 2, 1992, the Commission on Common Ownership Communities, upon a finding that the above-captioned dispute fell within Section 10B-8 of the Montgomery County Code, 1984, as amended, accepted jurisdiction in the matter of Inverness Forest Association, Inc., v. Mark and Sarah Avissar. A public hearing in this matter was not scheduled due to the fact that the Respondents failed to provide a written response to the allegations and failed to place the case at issue.

By correspondence dated December 31, 1992, the Commission on Common Ownership Communities advised the Respondents in writing that their failure to respond in writing, prior to February 3, 1992, to the allegations raised in the dispute, would result in the Commission's issuance of a default order against them. Furthermore, the Respondents were advised at that time that the Commission panel could then elect to conduct a hearing solely to determine the appropriate relief to be granted to the Complainant. Despite the fact the complaint in this matter was filed in April, 1992, and the numerous written and oral notifications sent by the Office of Common Ownership Communities to file a written response to place the case at issue and avoid a Default Order, to date, the Respondents have failed to respond.

The above entitled case having come before the Commission on Common Ownership Communities for Montgomery County, Maryland, pursuant to Sections 10B-5 (i), 10B-9 (a), 10B-10, 10B-11 (e), 10B-12, and 10B-13 of the Montgomery County Code, 1984, as amended, the Commission having taken jurisdiction of this dispute and the Respondents' failure to respond to the complaint despite numerous notices from the Office and Commission, the Commission on Common Ownership Communities, based upon a consideration of the above, hereby orders that the Respondents are in default and further orders that the relief requested by the Complainant Board is hereby granted as follows:

ORDERED

The Respondents, Mark and Sarah Avissar, owners of 7901 Inverness Ridge Road, Potomac, Maryland, must, within thirty (30) calendar days of receipt of this ORDER, remove a gutter and downspout which was installed without application to the Architectural Control Committee and which is in violation of the Association Covenants.

The foregoing was concurred in by panel members Mechak, Smith, and Stevens.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within thirty (30) days from the date of this Order, pursuant to Chapter 1100, Subtitle B, Maryland Rules of Procedure.

Dinah Stevens

Dinah Stevens
Panel Chairperson
Commission on Common Ownership
Communities